

The Honorable Robert S. Lasnik

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Of Attorneys for Defendant Country Mutual Insurance

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM B. HACKETT AND KYOUNG O.
HACKETT, individually and on behalf of the
marital community,

Plaintiffs,

vs.

COUNTRY MUTUAL INSURANCE
COMPANY, an admitted insurer,

Defendant.

Case No. 2:16-cv-00423-RSL

DEFENDANT COUNTRY MUTUAL
INSURANCE COMPANY'S ANSWER,
DEFENSES AND AFFIRMATIVE
DEFENSES TO PLAINTIFF'S FIRST
AMENDED COMPLAINT

JURY TRIAL REQUESTED

COMES NOW Defendant Country Mutual Insurance Company, hereinafter "Country Mutual" to admit, deny and allege the following response to Plaintiffs' First Amended Complaint for Declaratory Relief, Breach of Contract, Bad Faith, Violation of IFCA, Violation of the DEFENDANT'S ANSWER & AFFIRMATIVE DEFENSES (W. Wa Case No. 2:16-cv-00423-RSL) – Page 1

1 Consumer Protection Act and Damages “Complaint”. Except as expressly admitted herein,
2 Country Mutual denies each and every allegation of the Complaint.

3 1.

4 In response to paragraph 1.1 of the Complaint, Country Mutual admits.

5 2.

6 In response to paragraph 1.2 of the Complaint, Country Mutual admits that it is an
7 insurance company properly licensed to transact business in the state of Washington.

8 3.

9 In response to paragraphs 2.1 – 2.3, no response is needed. The venue and Plaintiffs are
10 proper in this District.

11 4.

12 In response to paragraph 3.1, Country Mutual agrees Plaintiffs seek to establish insurance
13 coverage. Country Mutual denies coverage exists.

14 5.

15 In response to paragraph 3.2, Country Mutual admits.

16 6.

17 In response to paragraph 3.3, Country Mutual is without information and belief at this time.

18 7.

19 In response to paragraph 3.4, Country Mutual is without information and belief at this time.

20 8.

21 In response to paragraph 3.5, Country Mutual admits.

22 9.

23 In response to paragraph 3.6, Country Mutual admits.

24 10.

25 In response to paragraph 3.7, Country Mutual admits a denial was issued on October 26,
26 2015. A copy was not attached to the Amended Complaint.

DEFENDANT’S ANSWER & AFFIRMATIVE DEFENSES
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11.

In response to paragraph 3.8, Country Mutual denies.

12.

In response to paragraph 3.9, Country Mutual denies.

13.

In response to paragraphs 4.1 – 4.5, the Policy speaks for itself.

14.

In response to paragraphs 4.6 and 4.7, no response is required.

15.

In response to paragraphs 5.1 – 5.3, Country Mutual denies.

16.

In response to paragraph 6.1, no response is needed.

17.

In response to paragraph 6.2, Country Mutual admits.

18.

In response to paragraphs 6.3 and 6.4, Country Mutual denies.

19.

In response to paragraph 7.1, no response is required.

20.

In response to paragraph 7.2, Country Mutual denies.

21.

In response to paragraphs 7.3 – 7.5, Country Mutual admits.

22.

In response to paragraphs 7.6 – 7.7, Country Mutual denies.

23.

In response to paragraph 8.1, no response is required.

DEFENDANT’S ANSWER & AFFIRMATIVE DEFENSES
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24.

In response to paragraphs 8.2 – 8.4, Country Mutual denies.

25.

In response to paragraph 9.1, Country Mutual denies in its entirety.

AFFIRMATIVE DEFENSES

Having fully answered Plaintiffs' Complaint, and without admitting any matter previously denied, Country Mutual hereby asserts the following defenses and affirmative defenses:

26.

Country Mutual did not violate the obligation of good faith to a policyholder, the Consumer Protection Act, or the Insurance Fair Conduct Act. Plaintiffs' claim is not covered under the applicable policy of insurance.

27.

Country Mutual conducted a reasonable investigation of Plaintiffs' insurance claim.

28.

Plaintiffs' claims outside of this policy period are bared by the suit limitation provision.

29.

Plaintiffs did not make a claim for Windstorm damage, Weight of Ice, Snow, Sleet or Accidental Discharge.

30.

Plaintiffs did not file a police report which is in violation of the policy. Such violation prejudiced Country Mutual.

31.

Country Mutual conducted a reasonable investigation of Plaintiffs' insurance claim.

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PRAYER FOR RELIEF

WHEREFORE, Country Mutual prays for relief as follows:

1. That Plaintiffs' Complaint be dismissed with prejudice.
2. That Country Mutual be awarded its costs and disbursements in defense of this action, including reasonable attorneys' fees, as allowed by law; and
3. That the Court award such other and further relief in favor of Country Mutual and against Plaintiffs as it is deemed just and equitable.

DATED: May 10, 2016, at Portland, Oregon.

THENELL LAW GROUP, P.C.

s. Daniel Thenell

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s/ Kirsten Curtis

By: _____
Kirsten L. Curtis, WSB No. 48985
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Of Attorneys for Defendant Country Mutual

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 10, 2016, I served the foregoing
DEFENDANT'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT on:

Linda L. Foreman
Bowers Foreman, PLLC
5825 60th St., SE
Snohomish, WA 98290
Email: Linda@lindaforeman.com
Attorney for Plaintiffs

- ☒ by electronic means through the Court's Case Management/Electronic Case Filing system on the date set forth above.
- ☐ by mailing a full, true and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon on the date set forth above.
- ☐ by causing a full, true and correct copy thereof to be hand-delivered to the attorney at the attorney's last-known office address listed above on the date set forth above.
- ☐ by sending a full, true and correct copy thereof via overnight courier in a sealed, prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, on the date set forth above.
- ☐ by faxing a full, true and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office, on the date set forth above.

THENELL LAW GROUP, P.C.

s/ Daniel E. Thenell

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s/ Kirsten L. Curtis

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CERTIFICATE OF SERVICE (W. Wa Case No. 2:16-cv-00423-RSL) – Page 1

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